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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,876	09/12/2003	Neal P. Moran	P16513	6959

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BUCKLEY, MASCHOFF & TALWALKAR LLC  
50 LOCUST AVENUE  
NEW CANAAN, CT 06840

EXAMINER
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CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

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06/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/660,876		MORAN, NEAL P.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Dohm Chankong		2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

- 1> Claims 1-26 are presented for examination.
- 2> This is a non-final rejection.

### *Specification*

- 3> Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Here, Applicant's submitted abstract is a mere one sentence summary of the invention and does not give a technical disclosure of the patent. The abstract does not include the organization and operation of the apparatus.

*Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4> Claims 25 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 25 recites an application server with a processor for receiving requests, encoding requests in XML, placing the request in a SOAP message and transmitting the message. Aside from the client computer, there are no devices described in Applicant's specification that encode requests in XML, place the request in a SOAP message and transmit the message. But even the client computer does not receive a request for execution. There are no devices described in Applicant's specification that perform the features as claimed. Similarly, Claim 26 recites executing requests based on a schedule. There is nothing in Applicant's specification that describes this subject matter in a way as to reasonably convey that Applicant had possession of these claimed features.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2152

5> Claims 1, 5 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 1 is rejected for lacking proper antecedent basis: "the information;"
- b. Claim 5 is rejected for lacking proper antecedent basis: "the request;"
- c. Claim 9 is rejected for having unclear language; claim 9 recites "receiving and implementing simple object access protocol." It is unclear what is being received and what is doing the receiving; If what is being received is the "simple object access protocol," this also is confusing because it is unclear how a protocol can be "received." Additionally, Applicant should clarify what is implementing the simple object access protocol.
- d. Claim 14 is rejected for having unclear language; claim 14 recites "the request" but there are two requests to which this could be referring (either "a first request" or "a second request");
- e. Claim 17 is rejected for having unclear language; claim 17 recites "a computer telephony integration server." Claim 17 depends on claim 9 which also recites a computer telephony integration server. It is unclear whether the server being referred to in claim 17 is supposed to be the same server as claimed in claim 9. If it is not, claim 17 should recite a "second computer telephony integration server" to distinguish the server in claim 17 from claim 9;
- f. Claim 26 is rejected for having unclear language; claim 26 recites "to execute those requests for execution."

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6> Claims 1-5 and 8 are rejected under 35 U.S.C §102(e) as being anticipated by Handel et al, U.S Patent Publication No. 2003|0007624 ["Handel"].

7> As to claim 1, Handel discloses a method of communicating with a computer telephony integration server, comprising:

encoding information in extensible markup language [0021];

placing the encoded information in a simple object access protocol formatted message [0021];

transmitting the message by way of hypertext transfer protocol [0024].

8> As to claims 2 and 3, Handel discloses the message is transmitted on a public network or the internet [0022, 0024 : communication via the web].

9> As to claim 4, Handel discloses:

Art Unit: 2152

receiving the message at a firewall [0022, 0043, 0061];

transmitting the message from the firewall to a CTI server [Figure 1 | Figure 4 «items 18, 26» | 0005, 0061 where : Handel discloses that the call centers have servers using CTI technology. The firewall protects and allows passage of SOAP encoded messages to the call center; thus, the firewall passes SOAP encoded messages to the CTI servers of the call center].

10> As to claim 5, Handel discloses confirming the safety of the request at the firewall [0061 : using authentication and authorization checks].

11> As to claim 8, Handel discloses that the message is transmitted from the firewall to the CTI server on a private network [Figure 1 «items 18, 20» where : the firewall is connected to the CTI servers through the corporate LAN or WAN].

12> Claims 1-3 and 21-25 are rejected under 35 U.S.C §102(e) as being anticipated by Linderman, U.S Patent No. 7.136.913.

13> As to claim 1, Linderman discloses a method of communicating with a computer telephony integration server, comprising:

encoding the information in extensible markup language [column 3 «lines 35-39»];

placing the encoded information in a simple object access protocol formatted message [column 3 «lines 35-52»]; and

transmitting the message by way of hypertext transfer protocol [column 3 «lines 35-39»].

14> As to claims 2 and 3, Linderman discloses the message is transmitted on a public network or the internet [column 3 «lines 53-57»].

15> As to claim 21, Linderman discloses a computer telephony integration device, comprising:

a communication adaptor to couple to a public network [Figure 1 «items 8, 16»];

a processor coupled to the communication adaptor to:

encode a request in extensible markup language [column 3 «lines 1-3» | column 4 «lines 43-57»];

place the encoded request in a simple object access protocol formatted message [column 4 «lines 43-57»]; and

transmit the message by way of hypertext transfer protocol through the communication adaptor [column 4 «lines 43-57»].

16> As to claim 22, Linderman discloses placing the request in a plurality of packets [column 6 «lines 32-35»].



Art Unit: 2152

17> As to claims 23 and 24, as they do not teach or further define over claims 21 and 22, respectively, claims 23 and 24 are rejected for at least the same reasons set forth for claims 21 and 22.

18> As to claim 25, Linderman discloses an application server, comprising:  
a communication adaptor to couple to a public network [Figure 1 «items 8, 20»];  
a processor coupled to the communication adaptor to:  
    receive a request for execution of an application through the communication  
adaptor [column 5 «lines 56-62»];  
    encode a request in extensible markup language [column 3 «lines 35-39»];  
    place the encoded request in a simple object access protocol [column 3 «lines  
35-39»]; and  
    transmit the message by way of hypertext transfer protocol through the  
communication adaptor [column 3 «lines 35-39»].

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19> Claims 6 and 7 are rejected under 35 U.S.C §103(a) as being unpatentable over Handel.

20> As to claims 6 and 7, Handel does not expressly disclose that the firewall transmits (or does not transmit) the message to the CTI server if the address of the node transmitting the message is in (or is not in) a database of nodes approved to access the CTI server.

However, this functionality is implied by Handel's disclosure that requests from users are subject to authentication and authorization checks. It is well known in the art that authentication and authorization checks consist of confirming whether or not a user is approved to access a certain resource. Therefore, Handel's disclosure of authentication and authorization implies determining whether the address of a user is approved to access the servers before transmitting the user's request.

21> Claims 9-25 are rejected under 35 U.S.C §103(a) as being unpatentable over Makagon et al, U.S Patent Publication No. 2004/0083482 ["Makagon"].

22> As to claim 9, Makagon discloses a method of communicating with a computer telephony integration server, comprising:

transmitting a first request [0010];  
receiving and implementing simple object access protocol [0009, 0011];  
transmitting a second request for information from the computer telephony integration server utilizing simple object access protocol [0033, 0038 : while Makagon does not expressly disclose a second request, this functionality is implied by the fact that there can

Art Unit: 2152

be on more than one requesting third party application. More than one request is implied when each of the applications submits a request]; and

receiving the information from the computer telephony integration server [0010 : requested portions are transmitted to the requesting third party application].

23> As to claims 10 and 12, Makagon discloses the first and second requests are transmitted over a public network [0008 where : all requests from the requesting third applications are transmitted over the Internet to the firewall].

24> As to claim 11, Makagon discloses the first request is received by a firewall [Figure 1 «item III» | 0007 where : Makagon's CC interface server is analogous to a firewall] coupled to the public network and a private network [Figure 1 | 0025] and transmitted to a server in the private network [0025 : where Makagon's firewall transmits requests to be handled by servers within the internal LAN].

25> As to claim 13, Makagon discloses the second request is received by a firewall [Figure 1 «item III» | 0007 where : Makagon's CC interface server is analogous to a firewall] and transmitted over the private network to the computer telephony integration server [0024 : where one of the servers, the IVR server, provides control for computer-telephony integrated interaction].

Art Unit: 2152

26> As to claim 14, Makagon does not expressly disclose that the firewall confirms the safety of the request, however this function is implied by the fact that the CC interface server only allows requests from authorized parties [0028]. Thus, Makagon's interface server implicitly confirms the safety of each request by only transmitting requests from authorized parties.

27> As to claim 15, Makagon discloses the firewall confirms the appropriateness of a node transmitting the first request [0028 : only authorized parties allowed to request].

28> As to claim 16, Makagon discloses the first request is a request for information from the computer telephony integration server [0024, 0031 : CTI applications can submit a plurality of requests].

29> As to claim 17, Makagon discloses the first request is a request for information from a web server [Figure 1 | 0033, 0034], that includes information to be received from a computer telephony integration server [0024, 0031].

30> As to claim 18, Makagon discloses the second request is encoded in extensible markup language [0011].

31> As to claim 19, Makagon discloses the second request is formatted in one or more simple object access protocol formatted packets [0011 - SOAP based messages].

32> As to claim 20, Makagon discloses the second request is transmitted by way of hypertext transfer protocol [0040].

33> As to claim 21, Makagon discloses a computer telephony integration device, comprising:

- a communication adaptor to couple to a public network [0032];

- a processor coupled to the communication adaptor to:

- encode a request in extensible markup language [Figure 2 «item 206» | 0011];

- place the encoded request in a simple object access protocol formatted message [0011]; and

- transmit the message by way of hypertext transfer protocol through the communication adaptor [0040].

34> As to claim 22, Makagon discloses placing the request in a plurality of packets [0011 : SOAP based messages].

35> As to claims 23 and 24, as they do not teach or further define over claims 21 and 22, respectively, claims 23 and 24 are rejected for at least the same reasons set forth for claims 21 and 22.

36> As to claim 25, Makagon discloses an application server, comprising:

Art Unit: 2152

a communication adaptor to couple to a public network [0009];  
a processor coupled to the communication adaptor to:  
    receive a request for execution of an application through the communication  
adaptor [0010];  
    encode a request in extensible markup language [0039, 0040];  
    place the encoded request in a simple object access protocol [0039, 0040]; and  
    transmit the message by way of hypertext transfer protocol through the  
communication adaptor [0043].

37> Claim 26 is rejected under 35 U.S.C §103(a) as being unpatentable over Makagon in view of Ehrlich et al, U.S Patent No. 6,598,078 ["Erich"].

38> Makagon discloses receiving additional requests for execution of the application [0010] but does not expressly disclose executing the requests based on a schedule.

39> Erlich teaches a system with CTI servers [Figure 3 «item 41»] and discloses executing the requests based on a schedule [column 7 «lines 33-44»]. It would have been obvious to one of ordinary skill in the art to modify Makagon to include Erlich's scheduler functionality. One would have been motivated to provide such a combination to increase Makagon's functionality by enabling the scheduling of execution of requested jobs or applications.

Art Unit: 2152

40> Claims 9-12 and 17-20 are rejected under 35 U.S.C §103(a) as being unpatentable over Linderman, in view of Makagon.

41> As to claim 9, Linderman discloses a method of communicating with a server, comprising:

transmitting a first request [Figure 6 «item 601» | column 4 «lines 43-57» where : Linderman discloses providing an applet upon the browser first connecting to the server];

receiving and implementing simple object access protocol [Figure 6 «item 603» | column 4 «lines 43-57» where : the applet enables SOAP on the client];

transmitting a second request for information from the server utilizing simple object access protocol [Figure 6 «items 605, 606» | column 5 «lines 56-62»]; and

receiving the information from the server [column 6 «lines 5-9»].

Linderman does not expressly disclose a computer telephony integration server.

42> It should be noted that Linderman is directed towards an invention that enables the management of any network device [column 1 «lines 18-20»] which suggests that Linderman's invention can be modified to include different types of servers beyond those described within Linderman's specification. Both Linderman and Makagon involve transmission of XML message encoded with the SOAP protocol over HTTP [see Linderman, column 3 «lines 1-3» & Makagon, 0011].

Makagon discloses a remote management system that includes querying information from a CTI server [0010]. It would have been obvious to one of ordinary skill in the art to

modify Linderman's system to include Makagon's communication center and CTI servers.

One would have been motivated to provide such a modification to increase the functionality of Linderman's system by increasing the number of platforms with which Linderman can be used [see Linderman, column 3 «lines 30-34» : invention not restricted to any given platform].

43> As to claim 10, Linderman discloses the first request is transmitted over a public network [column 3 «lines 53-57»].

44> As to claim 11, Linderman discloses the first request is received by a firewall [column 6 «lines 24-26»] coupled to the public network and a private network [Figure 2] and transmitted to a server in the private network [Figure 2 «item 4, CPU 2» | column 9 «line 65» to column 10 «line 21»].

45> As to claim 12, Linderman discloses the second request is transmitted over the public network [column 9 «lines 53-57»].

46> As to claim 17, Linderman discloses the first request is a request for information from a web server [column 10 «lines 2-6» : request for the applet] that includes information to be received from another server [column 10 «lines 15-21»].



Art Unit: 2152

47> As to claim 18, Linderman discloses the second request is encoded in extensible markup language [column 5 «lines 13-15»].

48> As to claim 19, Linderman discloses the second request is formatted in one or more simply object access protocol formatted packets [column 9 «lines 34-36»].

49> As to claim 20, Linderman discloses the second request is transmitted by way of hypertext transfer protocol [column 10 «lines 6-10»].

#### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Stawikowski et al, U.S Patent Publication No. 2002|0046239;

Desai et al, U.S Patent Publication No. 2003|0078779;

Strathmeyer, U.S Patent Publication No. 2005|0025127;

Stawikowski, U.S Patent No. 7.159.007;

Lueckhoff et al, U.S Patent No. 7.171.478.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942.

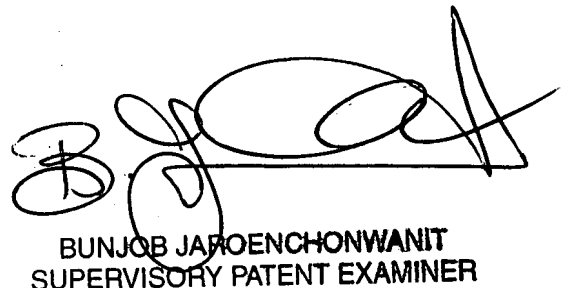
The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

Art Unit: 2152

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER

6/4/7